

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF.

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF MOTION TO FILE LATE OPPOSITION AND MOTION TO FILE LATE  
APPEAL AND MOTION TO SUBPOENA BERNARD L. MADOFF AND MOTION TO  
FILE LATE APPEAL FROM AUGUST 22, 2012 ORDER APPROVING THE  
TRUSTEE'S MOTION FOR AN ORDER AUTHORIZING SECOND INTERM  
DISTRIBUTION TO CUSTOMERS**

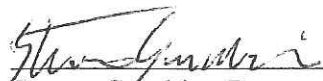
We, Steven Surabian, Richard Surabian and Martin M. Surabian mistakenly as Pro se failed to file Notice of the above Motions. Motions To File Late Opposition and Motion To File Late Appeal and Motion To Subpoena Bernard L. Madoff were served on December 28, 2012 by US Mail and Motion To File Late From August 22, 2012 Order Approving the Trustee's Motion For An Order Authorizing Second Interim Distribution To Customers served on December 31, 2012 by US Mail before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 1004. Hearing date if required to be determined by the Court hopefully combined together with hearing if need on Motion to Vacate Order and Judgement of Trustee's

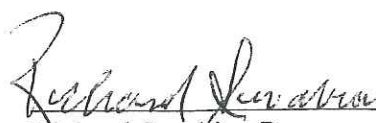
Allowed Motion To Expunge Surabians Claims and Objection Mailed this 17th day of January 2013.

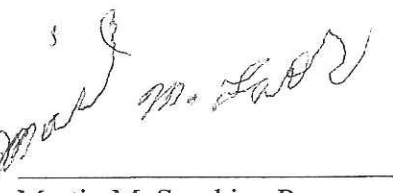
**PLEASE TAKE FUTHER NOTICE** that written objections to the motions must be filed with the Clerk of the United States Bankruptcy Court, One Bowling green, New York, New York 10004 by no later than **4:00 p.m. on January 31, 2013** (with a courtesy copy delivered to the chambers of the Honorable Burton R. Lifland) and must be served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rochefeller Plza, New York, New Your 10111, attn: David J. Sheehan, (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW. Suite 800, Washington, DC 20005, attn: Kevin H. Bell, Esq. (c) Steven Surabian, 1230 Rt. 28, S. Yarmouth, MA 02664, (d) Richard Surabian, P.O. Box 397, W. Hyannisport, MA 02672 and (e) Martin M. Surabian, P.O. Box 397, W. Hyannisport, MA 02672. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific bases of any objection to the Motion.

**PLEASE TAKE FUTHER** that replies to objections, if any, must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **4:00 p.m. on February 11, 2013** (with a courtesy copy delivered to the chambers of the Honorable Burton R. Lifland).

Dated: January 17, 2013

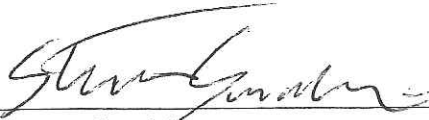
  
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**CERTIFICATE OF SERVICE**

I certify the the Notice of Motions were served this 17th day of January 2013 US Mail postage prepaid on (i) David J. Sheehan, Jorian L. Rose, Seanna R. Brown and Bik Cheema, Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111; and (ii) Kevin H. Bell and Nathannael S. Kelly, Securities Investor Protection Corp., 805 15th Street, NW, Suite 800, Washington, DC 20005.

A handwritten signature in black ink, appearing to read 'Steven Surabian', is written over a horizontal line.

Steven Surabian